

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

WILLIAM DAVID SMITH

Plaintiff,

vs.

**SERGIO RAMIREZ D/B/A ESA
TRANSPORTATION**

Defendant.

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CIVIL ACTION NO. 5:15-cv-703-XR

JURY

JOINT STIPULATION OF DISMISSAL

Plaintiff, William David Smith and Defendant Sergio Ramirez d/b/a ESA Transportation, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), hereby file this Joint Stipulation of Dismissal and state the following:

1. William David Smith ("Smith") is the sole Plaintiff in the above-styled and numbered lawsuit ("the present lawsuit").
2. Sergio Ramirez d/b/a ESA Transportation ("Ramirez") is the sole Defendant in the present lawsuit.
3. Smith filed the present lawsuit against Ramirez.
4. Smith now stipulates that he desires to dismiss the present lawsuit against Ramirez with prejudice as to re-filing same.
5. Ramirez has agreed to the dismissal with prejudice of the present lawsuit.
6. Smith and Ramirez represent that the present lawsuit is not a class action, and the voluntary dismissal requirements set forth in Federal Rule of Civil Procedure 23(e) are therefore not

applicable to the present lawsuit.

7. Smith and Ramirez further represent that a receiver has not been appointed in the present lawsuit, and the dismissal requirements set forth in Federal Rule of Civil Procedure 66 are therefore not applicable to the present lawsuit.

8. Smith and Ramirez further represent that this case is not governed by any federal statute, rule, or regulation that requires a court order for dismissal of the case.

Respectfully submitted,

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By: /s/ Paula A. Wyatt
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on the 16 day of August 2016, a true and correct copy of the foregoing pleading has been forwarded to all counsel of record, as follows:

VIA E-FILE

Paula A. Wyatt

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/s/ Jason W. Kerr